

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 4/22/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JIMMY SAMUEL,

Plaintiff,

-against-

CITY OF NEW YORK, THE NEW YORK AND  
PRESBYTERIAN HOSPITAL, CITY OF NEW  
YORK EMPLOYEES JOHN DOE (1-10),  
INDIVIDUALLY AND IN THEIR OFFICIAL  
CAPACITY, NEW YORK AND PRESBYTERIAN  
EMPLOYEE JOHN DOES (1- 10), INDIVIDUALLY  
AND IN THEIR OFFICIAL CAPACITY,

Defendants.  
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1:22-cv-2404-GHW

ORDER

GREGORY H. WOODS, District Judge:

Defendants' requests to file motions to dismiss are granted. Defendants' motions are due no later than May 6, 2022. Plaintiff's opposition is due within twenty-one days after service of Defendants' motion. Defendants' replies, if any, are due within seven days after service of Plaintiff's opposition.

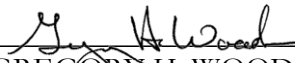
In addition, discovery in this case is stayed pending briefing and resolution of Defendants' motion to dismiss. A motion to dismiss does not automatically stay discovery, except in cases covered by the Private Securities Litigation Reform Act. *See Brooks v. Macy's, Inc.*, 2010 WL 5297756, at \*1 (S.D.N.Y. Dec. 21, 2010) (citing cases), *reh'g denied*, 2011 WL 1362191 (S.D.N.Y. Apr. 8, 2011). Thus, "discovery should not be routinely stayed simply on the basis that a motion to dismiss has been filed." *Moran v. Flaherty*, 1992 WL 276913, at \*1 (S.D.N.Y. Sept. 25, 1992). But "upon a showing of good cause a district court has considerable discretion to stay discovery" pursuant to Federal Rule of Civil Procedure 26(c). *Integrated Sys. & Power, Inc. v. Honeywell Int'l, Inc.*, 2009 WL 2777076, at \*1 (S.D.N.Y. Sept. 1, 2009); *see also Hong Leong Fin. Ltd. (Singapore) v. Pinnacle Performance*

*Ltd.*, 297 F.R.D. 69, 72 (S.D.N.Y. 2013). “In determining whether good cause exists, courts consider: (1) whether a defendant has made a strong showing that the plaintiff’s claim is unmeritorious; (2) the breadth of discovery and the burden of responding to it; and (3) the risk of unfair prejudice to the party opposing the stay.” *Trustees of New York City Dist. Council of Carpenters Pension Fund v. Showtime on Piers LLC*, No. 19-CV-07755 (VEC), 2019 WL 6912282, at \*1 (S.D.N.Y. Dec. 19, 2019).

Here, there is good cause for a stay, including because of the nature of Defendants’ arguments that Plaintiff’s claims are unmeritorious. Accordingly, discovery is stayed pending briefing and resolution of Defendants’ motions to dismiss.

SO ORDERED.

Dated: April 22, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge